

**RESPONSE TO COMMENTS  
DRAFT TIME-CRITICAL REMOVAL ACTION CLOSURE REPORT  
DCN: FWSD-RACII-02-1529  
SEPTEMBER 19, 2002  
TIME-CRITICAL REMOVAL ACTION  
AT INSTALLATION RESTORATION SITE 2  
  
ALAMEDA POINT  
ALAMEDA, CALIFORNIA**

**Comments by:**

United States Environmental Protection Agency, Region IX  
75 Hawthorn Street  
San Francisco, CA 94105

**Responses by:**

Foster Wheeler Environmental Corporation  
1940 E. Deere Avenue, Suite 200  
Santa Ana, CA 92705

**General Comments on the Draft Time-Critical Removal Action Closeout Report**

**Comment 1.** EPA has reviewed the above referenced document prepared by Foster Wheeler Environmental Corporation and submitted by the Navy on June 7, 2002. The document is clearly and concisely written and provides a useful summary on the ordnance and explosive waste (OEW) removal performed at Site 2.

The information provided in the document should be incorporated into the Remedial Investigation and Feasibility Study Reports developed for the IR Site 2 landfill. The EPA agrees that the removal of any OEW down to a depth of one foot has substantially reduced the potential explosive hazards from OEW to human and ecological receptors. However, remedial action taken at the site will need to factor in the possibility that OEW may be present at depths greater than one foot below the surface in the landfill. It is likely that any intrusive activities below the current one foot level in the OEW area will have to be managed with institutional controls, and placement of a limited cap in this area may also be required.

Thank you for undertaking this removal action and for the opportunity to review the Closeout Report. We look forward to continued progress in the investigation and clean up of IR Site 2.

**Response 1.** Comment noted.

Information in the document will be incorporated into the two reports as recommended.

When remedial activities are completed, the site will be transferred to the U. S. Fish and Wildlife Service for use as a Wildlife Refuge. Current plans mandate that existing engineering controls (an 8-foot chain link fence topped with barbed wire and locked access gates) are to remain in place and be maintained. Several institutional controls (zoning restrictions, covenants, and notices) will be evaluated, and appropriate options will be implemented prior to land transfer.

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**Comments by:**

Detachment of Toxic Substances Control  
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**Responses by:**

Foster Wheeler Environmental Corporation  
1940 E. Deere Avenue, Suite 200  
Santa Ana, CA 92705

**General Comments on Draft Time-Critical Removal Action Closeout Report**

**Comment 1.** Overall, I believe the actions taken as part of the TCRA were appropriate and the findings (no live OE) support the conclusions as presented in Section 4.0. However, the report only address how work was performed and not how the extent of the presumed burial area was defined prior to the excavation or if other areas within IR Site 2 could also have been used for burial. Based on the subject report, I have identified comments regarding report content, authorization of field change requests, quality assurance/quality control and consistency with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). These comments are presented below.

**Response 1.** Comment noted.

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**Specific Comments on Draft Time-Critical Removal Action Closeout Report by Mr. James C. Austreng, P.E.**

**Comment 1.** Section 1.3, Page 1-4, Regulatory Framework: The report states "CERCLA does not specifically address OEW as a hazardous substance; response actions to address OEW require a different approach to balance the risks and impacts of OEW with the risk of inaction."

While I agree in principle with the "...OEW require a different approach..." portion of the statement, I do not concur with the Navy's assessment that OEW is not specifically addressed. First, the Navy has stated OE is a waste. Consequently, pursuant to CERCLA (and state law), if the material exhibit specific criteria shall be deemed hazardous waste, and therefore a hazardous substance, and subject to provisions of 40 Code of Federal Regulations, Section 300 et. Seq.

In addition, the United States Environmental Protection Agency (EPA), Region IX, has recently issued a letter to the Department of the Army, Defense Language Institute Foreign Languages Center and Presidio of Monterey, that states, "The OE [ordnance and explosives] at Fort Ord that needs to be remediated meets the statutory definition of a hazardous substance because OE at these closed ranges has been "discarded" and is therefore a solid waste. (I have attached a copy of EPA's letter for reference). Please note that I do recognize that EPA's letter is subsequent to issuance of the subject report. However, EPA's decision to regulate OE under CERCLA is not a new decision. EPA Region IX provided multiple correspondences, including testimony during the U.S. House of Representatives' Committee on Environmental Matters held in Seaside, April 1993 indicating that military munitions that are disposed of and which are abandoned are considered a hazardous substance subject to CERCLA.

**Response 1.** Reference in the text to OEW not being a CERCLA substance has been deleted. In addition, the text has been revised to state that the Resource Conservation and Recovery Act (RCRA) was an ARAR for this removal action. All OEW was managed in accordance with the substantive aspects of the RCRA hazardous waste management regulations.

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**Comment 2.** Section 1.6, Page 1-8, Explosive Safety Remediation Plan: Text indicates that the Department of Defense Explosive Safety Board (DDESB) reviewed and approved the Explosive Safety Remediation Plan (ESRP) for the TCRA.

I could not locate a copy of the DDESB approval letter in the document. It is DTSC's practice that the Explosive Safety Submission and DDESB's approval be included as an Attachment or Appendix to the subject report.

**Response 2.** Comment noted. The Explosive Safety Remediation Plan (ESRP) was prepared and submitted to the Department of the Navy (DON) in a pre-draft format. The DON's comments were incorporated into the ESRP, and the document was forwarded to the Naval Ordnance Safety and Security Agency (NOSSA) in a draft format. NOSSA then authorized NAVFAC to proceed with the removal action. The NOSSA comments were incorporated into the ESRP, and it was returned to the agency as the final revision for their approval and forwarding to the Department of Defense Explosives Safety Board (DDESB). A routine follow-up approximately 45 days later revealed that NOSSA had either not received or could not locate the final revision of the document. The removal action had been completed by this time. Because NOSSA had previously reviewed and commented on the draft revision of the ESRP, the agency requested a copy of the Final ESRP, the Final Focused Remedial Investigation Work Plan, (with all Field Change Requests), and the final revision of the Removal Action Closure Report, all of which are anticipated to be submitted in October 2002. The approval letter from the DDESB will be included as an attachment to the Ordnance and Explosive Waste/Geotechnical Characterization Report for IR Site 2.

**Comment 3.** Section 2.6, Page 2-6, Excavation and Screening for OEW: This section discussion the use of field change requests for changing sieve size from  $\frac{1}{2}$  to  $\frac{3}{4}$ . Attachment 6 includes copies of these field change requests.

My concern is that these field changes requests were not reviewed by or approved by DDESB or DTSC. For future reference, appropriate parties should approve all change requests before submitting to DTSC for final approval. This may include review by DDESB given the implication that the action may affect the ultimate acceptability of the site due to safety concerns.

**Response 3.** Comment noted. In accordance with the project quality control (QC) procedures, a Field Change Request (FCR) is required to be submitted to appropriate regulatory agencies for review when anticipated field changes could significantly affect the project scope, cost or schedule and cause a notable revision to project plans. Field Change Requests that do not significantly affect approved plans and procedures are required to be submitted only to the DON for their review and approval. All FCRs prepared for the project were determined to involve minor design changes that did not affect the approved plans. Therefore, these were not submitted to the regulatory agencies for review.

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**Comment 4.** Section 2.6, Page 2-6, Excavation and Screening for OEW: Text states- "...default removal depths guidelines based on the projected end use of the land and they represent a minimum risk to users when the land is cleared to the recommended depths (DDESB, 1999)."

My concern with adherence to the default removal depths is with respect to the uncertainty as to how the Navy (or the end user) will ensure restrictions such as no digging will be maintained. As noted above in the summary of background information, the TCRA is just one component of a broader scoped work plan. What remains in question is how the limitations of this action, i.e., the limited depth and areal extent of the clean up will be addressed from a risk management perspective. Specifically, who will decide what restrictions are to be placed on Site 2 and what mechanism (institutional) measures will be used to limit potential contact with any remaining OE. Furthermore, how will these restrictions be enforced, maintained, monitored and reported to DTSC?

**Response 4.** Comment noted. IR Site 2 will be transferred to the U.S. Fish and Wildlife Service (USFWS) for use as a wildlife refuge. Land use controls appropriate for a landfill will be evaluated and implemented. Per the CERCLA administrative process, a Proposed Plan is required to be submitted by the DON after publication of the Site 2 Feasibility Study that outlines the nature and extent of site contamination, remedial alternatives and preferred remediation approach. The Proposed Plan will solicit input from regulatory agencies and the public. This input and other site information will be used to develop land use controls and restrictions that are required to limit potential OEW contact and how these restrictions should be enforced, maintained and monitored.

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**Comment 5.** Section 3.1, Page 3-1 Certification of Surface Clearance Teams and Section 3.2, Page 3-2 Surface Clearance Effectiveness Test: Text discussions threshold values for Probability of Detection (PD) and Confidence Level (CL) and certification.

It is not clear where or how the PD and CL values were derived. In addition, it is not clear what actions were taken if a team failed and how all of their work between the decertified date and the prior certification date should be evaluated. In addition, the values indicated are not consistent with DTSC's practice. The most reliable depth of detection must be established for each instrumentation and each munitions type. However, recognizing that the TCRA involved an excavation and sieving operation, post documentation of a most reliable depth of detection is not needed.

The final report should also include a discussion of work which may have been done by a decertified team and what actions were taken to ensure the problems causing de-certification were corrected and additional work needed to ensure quality control/quality assurance (QC/QA) standards were met. To the matter of QC/QA, daily and weekly QC/QA reports should be included with the final report (a compact disc including electronic copies would suffice).

**Response 5.** Comment noted. The PD and CL levels used in the QC program are based on statistical threshold limits imposed by the Army Corps of Engineers for geophysical prove-out tests conducted at Jefferson Proving Ground. They are widely accepted in the industry and were proposed in the Project Quality Control Plan, from the Final Focused Remedial Investigation Work Plan, IR Site 2, and agreed to by the reviewing regulatory agencies. Those values were only used to certify and monitor the surface OEW search teams. Had one of the OEW search teams failed to certify in a Surface Clearance Effectiveness Test (SCET) prior to beginning the surface search, the actual searching activities would not have commenced until the team could be certified. Had one of the OEW search teams failed to certify during a periodic SCET administered to monitor the continued effectiveness of the team, the team would have been immediately decertified. Work would have stopped, the cause for the failure would have been identified, and corrective actions would have been applied until the team could be recertified. At that point, all of the grids the team had swept from the point of the last prior certification to the point of failure would have been re-swept. The certification and effectiveness monitoring of the search teams were a function of quality control and remained separate and independent from other operations. This information will be included in the document in all future versions, and QA/QC reports will be included in the Ordnance and Explosives Waste/Geotechnical Characterization Report for both IR Sites 1 and 2.

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**Comment 6.** Conclusion.

From the information provided in the subject report and the understanding that no live (energetic) materials were recovered as part of the TCRA, I would conclude that the action taken have provided an additional level of understanding regarding the potential threats from OE. I would also conclude, as did the authors of the text, that "...the Possible Burial Site in the West Beach Landfill was used to bury OEW as documented in the Alameda Point historical records." However, because of the limited depth and areal extent of the excavation, questions and uncertainty remain. Consequently, it is my opinion that further actions, including, but not limited to additional OE investigations, deed restrictions, notifications, education and monitoring must be established prior to finalization of this report. Furthermore, until such measures are secured, transfer and re-use of this property should not proceed

**Response 6.** The information provided in this report will be used by the DON to complete the Feasibility Study (FS) for IR Site 2, in which data gathered during the Remedial Investigation (RI) will be analyzed and used to develop remedial alternatives for a response action. The CERCLA process then requires the development of a Proposed Plan, which will outline the nature and extent of site contamination, the human and ecological health risks, the alternative remedial methods considered, and the preferred remedy. The Proposed Plan will also solicit input from regulatory agencies and the public for consideration in the decision-making process. The input will be considered prior to preparation of a Record of Decision (ROD), which will present the selected remedy. The ROD will also describe the specific mechanism and approach for establishing and maintaining land use controls, as necessary, for the site.